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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,875	11/12/2003	Barnaby Henderson	05-03-006	6753
45113	7590	06/30/2006	EXAMINER	
DOCKET CLERK PO BOX 800889 DALLAS, TX 75380			PHAM, THAI V	
			ART UNIT	PAPER NUMBER
			2194	

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/706,875

Applicant(s)

HENDERSON ET AL.

Examiner

Thai Van Pham

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/25/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the initial office action based on the application filed on June 15, 2006. Claims 1 – 12 are currently pending and have been considered below.

Specification

1. The disclosure is objected to because of the following informalities: In paragraph [0015] of the specification, the applicant refers to a LAN/WAN/WiFi adapter 112 which is labeled as 122 in Figure 1, an Expansion Bus Interface 114 which is labeled as 124 in Figure 1, an I/O bus 116 which is implicitly (must be explicitly) labeled as 126 in Figure1, and a Keyboard/Mouse adapter 118 which is labeled as 128 in Figure1. In paragraph [0016], the applicant again refers to a Keyboard/Mouse adapter 118 which is labeled as 128 in Figure1.

Appropriate correction is required.

Drawing

2. The drawing is objected to because of the following informalities: See the above explanation for reasons for objection to Specification.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Examiner's Note: The Examiner notes that it appears that the Applicant is attempting to invoke 35 U.S.C. 112, 6th paragraph, with the use of means-plus-function language in claims 5.

However, the specification does not provide any specific structure for the features that could be read into the claim to limit the scope of the means to perform the claimed functions. Therefore, the Examiner does not consider the specification to be adequate to invoke a 35 U.S.C. 112, 6th paragraph interpretation.

3 Claims 1 – 12 are rejected under 35 U.S.C. 102(b) as being anticipated by **Chen** (5,673,387).

-- Claim 1: **Chen** discloses a method for storing testing code, comprising:

- *receiving a changed item identifier* (receiving notification for changes in functions and non-functions of a program; Fig. 1, Page 5);
- *determining at least one test corresponding to the changed item identifier* (determining which tests among the test suite to be re-run to test for the software modification by means of transitive closure, difference, selection, and coverage tools; Figs. 11 – 12, Page 12);
- *testing program code corresponding to the changed item identifier using the at least one test* (executing the determined tests to test the program with the new changes as well as to register the new changes to trace lists for subsequent operations; Figs. 11 – 12, Pages 2, 12 – 13); and
- *creating a report according to the results of the testing* (creating entity trace lists, entity difference lists, and entity coverage lists as results of execution of transitive closure, difference, and coverage tools, respectively; Figs. 7 – 14, Pages 9 – 13. Additionally, a report summarizing the intermediate and final results of an executed test is an inherent property in any software

Art Unit: 2194

testing system; the report informs the user of the status of the modified program so that proper actions can be taken as necessary).

-- Claim 2: **Chen** discloses the method of Claim 1, and further discloses that

- *the changed item identifier corresponds to a file* (regression testing is run as changes in functions and non-functions of a program are made; Fig. 1, Page 5).

-- Claim 3: **Chen** discloses the method of Claim 1, and further discloses the method further comprising:

- *providing a database having multiple changed item identifier records, each changed item identifier record corresponding to at least one test* (the regression test suite contains several test units, each is determined to be linked to its associated function(s) and non-function(s) calls of a program; Fig. 1, Pages 2, 5. The test suite is stored in local memory of the system).

-- Claim 4: **Chen** discloses the method of Claim 1, and further discloses that

- *the at least one test is a program code validation test* (the regression test suite is used to validate the changes of code modification; Pages 1 – 3).

-- Claim 5: **Chen** discloses a data processing system having at least a processor and accessible memory, comprising:

- *means for receiving a changed item identifier* (receiving notification for changes in functions and non-functions of a program; Fig. 1, Page 5);

- *means for determining at least one test corresponding to the changed item identifier*

(determining which tests among the test suite to be re-run to test for the software modification by means of transitive closure, difference, selection, and coverage tools; Figs. 11 – 12, Page 12);

- *means for testing program code corresponding to the changed item identifier using the at least one test* (executing the determined tests to test the program with the new changes as well as to register the new changes to trace lists for subsequent operations; Figs. 11 – 12, Pages 2, 12 – 13); *and*

- *means for creating a report according to the results of the testing* (creating entity trace lists, entity difference lists, and entity coverage lists as results of execution of transitive closure, difference, and coverage tools, respectively; Figs. 7 – 14, Pages 9 – 13. Additionally, a report summarizing the intermediate and final results of an executed test is an inherent property in any software testing system; the report informs the user of the status of the modified program so that proper actions can be taken as necessary).

-- Claim 6: **Chen** discloses the data processing system of Claim 5, and further discloses that

- *the changed item identifier corresponds to a file* (regression testing is run as changes in functions and non-functions of a program are made; Fig. 1, Page 5).

-- Claim 7: **Chen** discloses the data processing system of Claim 5, and further discloses the system further comprising:

- *a database having multiple changed item identifier records, each changed item identifier record corresponding to at least one test* (the regression test suite contains several test

units, each is determined to be linked to its associated function(s) and non-function(s) calls of a program; Fig. 1, Pages 2, 5. The test suite is stored in local memory of the system).

-- Claim 8: **Chen** discloses the data processing system of Claim 5, and further discloses that

- *the at least one test is a program code validation test* (the regression test suite is used to validate the changes of code modification; Pages 1 – 3).

-- Claim 9: **Chen** discloses a computer program product tangibly embodied in a machine readable medium, comprising:

- *instructions for receiving a changed item identifier* (receiving notification for changes in functions and non-functions of a program; Fig. 1, Page 5);

- *instructions for determining at least one test corresponding to the changed item identifier* (determining which tests among the test suite to be re-run to test for the software modification by means of transitive closure, difference, selection, and coverage tools; Figs. 11 – 12, Page 12);

- *instructions for testing program code corresponding to the changed item identifier using the at least one test* (executing the determined tests to test the program with the new changes as well as to register the new changes to trace lists for subsequent operations; Figs. 11 – 12, Pages 2, 12 – 13); and

- *instructions for creating a report according to the results of the testing* (creating entity trace lists, entity difference lists, and entity coverage lists as results of execution of transitive closure, difference, and coverage tools, respectively; Figs. 7 – 14, Pages 9 – 13. Additionally, a

report summarizing the intermediate and final results of an executed test is an inherent property in any software testing system; the report informs the user of the status of the modified program so that proper actions can be taken as necessary).

-- Claim 10: Chen discloses the computer program product of Claim 9, and further discloses that

- *the changed item identifier corresponds to a file* (regression testing is run as changes in functions and non-functions of a program are made; Fig. 1, Page 5).

-- Claim 11: **Chen** discloses the computer program product of Claim 9, and further discloses the computer program product further comprising:

- *a database having multiple changed item identifier records, each changed item identifier record corresponding to at least one test* (the regression test suite contains several test units, each is determined to be linked to its associated function(s) and non-function(s) calls of a program; Fig. 1, Pages 2, 5. The test suite is stored in local memory of the system).

-- Claim 12: **Chen** discloses the computer program product of Claim 9, and further discloses that

- *the at least one test is a program code validation test* (the regression test suite is used to validate the changes of code modification; Pages 1 – 3).

Conclusion

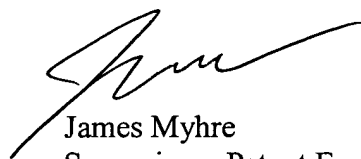
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Van Pham whose telephone number is (571) 270-1064. The examiner can normally be reached on Monday - Thursday, 9am - 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Myhre can be reached on (571) 270-1065. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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James Myhre
Supervisory Patent Examiner